REMARKS

This application is amended in a manner believed to place it in condition for allowance at the time of the next Official Action.

Claim 4 is amended.

Claim 5 is canceled.

Claim 13 is new. Claim 13 is readable on the elected species, and is directed to the same subject matter as claim 5 in independent claim form.

Support for the amended and new claim may be found generally throughout the specification, e.g., at page 4, lines 2-3 and in Examples 1, 3, and 5.

Claims 1-4, 6-10 and 13 are pending.

Claims 3, 6-8, and 10 are withdrawn as being drawn to non-elected species.

The elected species, as noted in the outstanding Official Action, is visnadin as the first vasoactive agent, Ginkgo biloba dimeric flavones complexed with phospholipids as the second vasoactive agent, and Escin beta-sitosterol complexed with phospholipids as the third vasoactive agent.

Applicant acknowledges with appreciation the withdrawal of the rejection of the claims based on the elected first vasoactive agent, i.e., visnadin. Applicant respectfully submits that claim 9 and new independent claim 13 are directed to the

subject matter for which the rejection is withdrawn, i.e., where the first vasoactive agent is visnadin.

Applicant understands that the outstanding Official Action is directed to a non-elected species, i.e. where the first vasoactive agent is esculoside.

Claims 1, 2, 4, 5 and 9 are rejected under 35 USC 103(a) as being unpatentable the combination of BOMBARDELLI et al. U.S. 5,679,358 (BOMBARDELLI) and CHO et al. U.S. 5,529,769 (CHO). This rejection is respectfully traversed.

The position of the Official Action is that it would have been obvious for a person of ordinary skill in the art to combine the invention of BOMBARDELLI, i.e., a topical composition for treating cellulites comprising esculoside and Ginkgo biloba, and CHO, i.e., a topical composition for treating cellulite comprising escin and Ginkgo biloba, since both publications teach topical compositions for treating cellulite.

BOMBARDELLI teaches a topical pharmaceutical or cosmetic composition for the treatment of peripheral vasculopathies comprising esculoside alone or combined with a co-agent of at least one of an adenylate cyclase stimulator, a phophodiesterase inhibitor, a lipolytic agent or a mixture thereof (summary of invention). In the tests described in columns 3 and 4, two groups of patients were treated with a formulation containing 1.5% esculoside, 0.3% Salvia milthiorriza extract, 0.4% Ginkgo biloba dimeric flavones, 2% theophylline

and, respectively, 1.5% esculoside, 0.3% Salvia milthiorriza extract and 1% pentroxifylline. The latter formulation proved able to "surprisingly decrease by 2.6±0.2 cm" the diameter of the trochanterian area, which is a measurement for the reduction of deposit of superfluous fat (column 4, lines 13-16). However, when the former formulation was tested for the activity in chronic venous insufficiency, "the observed parameters dramatically changed" (column 4, lines 5-7).

Thus, based on the teaching of BOMBARDELLI, the skilled person would not be prompted to select a combination of esculoside and Ginkgo biloba dimeric flavones more than a combination of esculoside and any other ingredient taught by BOMBARDELLI, e.g. Salvia milthiorriza extract, theophylllinen or pentoxifylline. Moreover, one would not have expected a synergistic effect in reducing cellulite as a result of the combination of esculoside, Ginkgo biloba dimeric flavones and escin.

CHO discloses cosmetic compositions stimulating collagen synthesis and containing betulinic acid as the "primary" active ingredient (summary of invention). The example 11, as mentioned in the Official Action, refers to an anti-cellulite gel containing betulinic acid, ivy extract, escin, Gingko biloba and caffeine. The teaching provided by this document is that betulinic acid, preferably in combination with ascorbic acid, is the "primary" active ingredient particularly useful in reducing

signs of cellulite (abstract) by stimulating collagen synthesis (summary of invention). However, ingredients like Gingko biloba and escin are merely optional (column 4, line 37).

Thus, one skilled in the art would have no motivation to select Gingko biloba and escin and combined the same with esculoside known from BOMBARDELLI, thereby arriving at the claimed invention, since according to CHO, Gingko biloba and escin are not ingredients endowed with anti-cellulite activity *per se*, unlike betulinic acid alone or preferably a combination of betulinic and ascorbic acids, neither of which is however contained in the claimed composition.

Therefore, the skilled person would be discouraged from selecting and combining "secondary" ingredients - i.e. ingredients that are not supposed to be active *per se* - from BOMBARDELLI and CHO, in the absence of any indication as to their anti-cellulite activity once separated from those "primary" active ingredients. Moreover, the skilled person would not expect that by such a combination of "secondary" ingredients independently selected from BOMBARDELLI and CHO, a synergistic effect in reducing cellulite would be obtained. For these reasons, the claimed subject matter cannot be deemed obvious in light of the cited references.

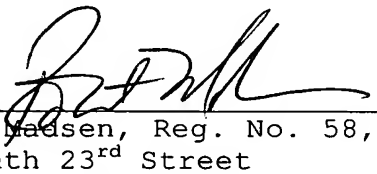
Therefore, withdrawal of the rejection is respectfully requested.

In view of the amendment to the claims and the foregoing Remarks, applicant believes that the present application is in condition for allowance at the time of the next Official Action. At the very least, claims 9 and 13 are believed to be allowable, as the Official Action withdraws the rejection of a composition wherein the first vasoactive agent is visnadin. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



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